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EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,202

Applicant(s)

MCCALL, JOHN E.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,7,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The IDSs submitted on 3/21/2003, 6/19/2003 and 6/30/2003 have been considered.
2. Applicant's arguments filed 6/30/2003 have been fully considered but they are not persuasive.

Applicant's arguments regarding claims 1 and 43 argue that Wakefield II does not disclose the a rule corresponding to a particular data type, examiner disagrees, column 6, lines 29-39 discloses an artificial intelligence system (rules) that responds to the error code field (data type) and therefore meets the language of the claims.

Applicant's arguments regarding claims 27, 43 argue non-claimed subject matter, there is no server computer in the claim.

Applicant's arguments regarding claims 2 and 44 to the definition of "census data" as disclosed on page 9, lines 23-24. Examiner is using the continued discussion of "census data" in the specification at page 10, lines 1-4, that discloses that "any data related to the actual structures (electrical, mechanical, etc.) and interpreting Wakefield II's reporting of "battery quality, hourmeter reading when the last battery test was performed, and current battery voltage level)" to be census data as claimed and defined.

Applicant's arguments regarding claims 12 and 54 argue that Wakefield II does not disclose "accessing a specific data-type record of the customer account record based on an identification code associated with the field service provider" this is admitted by the examiner and remedied by Rutkowski et al as below.

Applicant's arguments regarding amended claim 27 have been considered but are not convincing, the artificial intelligence system of Wakefield is seen to disclose the generation of conclusions based on retrieved data as claimed.

Applicant's arguments regarding claims 14-26, examiner disagrees that a prima facie case of obviousness has not been established. The references are seen to be analogous because they are both concerned with field service, to further answer applicant's points,

First, Wakefield II, column 3, lines 9-23 and column 4, line 51 – column 6, line 49 were cited to show where the limitations of the claims are seen, the first limitation is specifically seen column 5, line 58 – column 6, line 39; the abstract of Durston et al was pointed to for the limitations not shown.

Second, the reason for the combination is for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments, in Durston, this happens to be at the end of a day.

Third, the reasonable expectation of success can be seen in the paragraph that begins "Therefore..."

Applicant's arguments regarding amended Claim 23, that that Durston et al does not teach a wireless connection is moot as Durston et al is not relied upon for that feature. It can be seen in Wakefield II, figure 1 and column 4, line 51 – column 5, line 10.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 8-10-11, 27, 29-36, 39-45, 48, 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakefield, II (5,961,561).

As per Claim 1, 43.

Wakefield ('561) discloses:

receiving collected data related to a destination facility, the collected data being associated with a data type, see column 5, lines 1-34;

generating a data conclusion based on an analysis between the collected data and an advisory rule corresponding to the data type, see column 6, lines 4-39;

mapping the data conclusion to the advisory information, see column 6, lines 4-39;

presenting the advisory information to a field service provider through the network device, see figure 1, (12).

As per Claim 2, 44.

Wakefield ('561) further discloses:

collecting device data associated with a utility device maintained at the destination location, see column 5, line 48 – column 6, line 3;

collecting business data associated with a customer of a service providing company employing a field service provider to provide a service to the customer at the destination facility, see column 5, lines 11-21;

collecting census data associated with the destination facility, see column 5, line 62 – column 6, line 3.

As per Claim 3, 45.
Wakefield ('561) further discloses a wireless network, see figure 1;
transmitting advisory information to the field service provider via the wireless interface module, see column 6, lines 14-49.

As per Claim 6, 48.
Wakefield ('561) further discloses the advisory information is in the form of a script in a format based on the network device through which the user interacts with the advisory module, see figures 6-7.

As per Claim 8, 50
Wakefield ('561) further discloses the script is in visual format, see figures 6-7.

As per Claim 9, 51.
Wakefield ('561) further discloses the script is in textual format, see figures 6-7.

As per Claim 10.
Wakefield ('561) further discloses providing a service at the destination facility based on the presented advisory information, see column 3, lines 10-22.

As per Claim 11.
Wakefield ('561) further discloses analyzing the collected data against at least one advisory condition of the advisory rule, see column 5, line 58 – column 6, line 49.

As per Claim 27.
Wakefield ('561) discloses:
an intelligence module retrieving the stored data from the database and generating a data conclusion relating to the retrieved data to an advisory rule selected from a plurality of advisory rules stored on the advisory module based on the data type of the collected data, see column 5, line 58 – column 6, line 39;
a mapping module mapping the data conclusion to advisory information, see column 6, lines 14-39;
a registration/communication module granting the user access to the network advisory system and providing advisory information to the user, see column 4, line 51 – column 5, line 10.

As per Claim 29.
Wakefield ('561) further discloses transmitting the advisory information to the user over a wireless connection as the user is located at a destination facility, see figure 1.

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As per Claim 30.

Wakefield ('561) further discloses mapping module maps the data conclusion to advisory information as the user is granted access to the network advisory system, see column 4, line 51 – column 5, line 10.

As per Claim 31.

Wakefield ('561) further discloses a storage module storing the advisory information mapped to the data conclusion wherein the registration/ communication module retrieves the advisory information from the storage module and transmits the advisory information to the user as the user is granted access to the network advisory system by the registration/ communication module, see column 4, line 51 – column 5, line 10.

As per Claim 32.

Wakefield ('561) further discloses the storage module comprises a customer account record identifying a customer account to which the advisory information is associated, see figure 4.

As per Claim 33.

Wakefield ('561) further discloses a device type record storing advisory information derived from device data associated with the utility device maintained at the destination facility, see figure 3;

an account data-type record storing advisory information derived from account data associated with the utility device maintained at the destination facility, see figure 4.

As per Claim 34.

Wakefield ('561) further discloses the account data-type record is a business data-type record storing advisory information derived from business data associated with the customer of a service providing company employing the user to provide the customer a service at the destination facility, see figure 4 and column 3, lines 10-23 and column 4, line 51 – column 5, line 21.

As per Claim 35.

Wakefield ('561) further discloses the account record is a census data-type record storing advisory information derived from census data associated with the destination facility, see column 5, line 58 – column 6, line 39.

As per Claim 36.

Wakefield ('561) further discloses the advisory information is in the form of a script in a format based on the network device through which the user interacts with the advisory module, see figures 6-7.

As per Claim 39.

Wakefield ('561) further discloses the script is in textual format, see figures 6-7.

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As per Claim 40.

Wakefield ('561) further discloses the utility device is maintained at a destination facility associated with a service providing company employing the user to provide service at the destination facility, see column 3, lines 10-23.

As per Claim 41

Wakefield ('561) further discloses the utility device is maintained at a destination facility associated with a customer employing a service providing company to provide service at the destination facility through the user, see column 3, lines 10-23.

As per Claim 42

Wakefield ('561) further discloses the registration module transmits the advisory information to the user over a land-based network connection as the user, see column 5, lines 22-34.

As per Claim 52

Wakefield ('561) further discloses providing a service at the destination facility based on the presented advisory information, see column 3, lines 9-23.

As per Claim 53

Wakefield ('561) further discloses analyzing collected data against at least one advisory condition of the advisory rule, see column 4, line 51 – column 6, line 65

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 14-18, 21-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield, II (5,961,561) in view of Durston et al (4,707,848).

As per Claims 4, 28 and 46.

Wakefield ('561) does not specifically disclose transmitting advisory information to the field service provider as the field service provider is in transit between a first destination facility and a second destination facility.

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Durston et al ('848) teaches providing off-duty communications with a central office without technician intervention, which is seen to be between a first destination facility and a second destination facility, see abstract, for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit information to the field service provider between a first destination and a second destination as taught by Durston et al ('848) for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

As per Claim 14.

Wakefield ('561) discloses:

a data collector receiving collected data related to a destination facility, the collected data being associated with a data type, see column 5, line 58 – column 6, line 39;

an advisory module receiving the collected data from the data collector, generating advisory information relating the collected data to an advisory rule corresponding to the data type and presenting advisory information to a field service provider, see column 3, lines 9-23 and column 4, line 51 – column 6, line 49.

Wakefield ('561) does not specifically disclose transmitting advisory information to the field service provider as the field service provider is in transit between a first destination facility and a second destination facility.

Durston et al ('848) teaches providing off-duty communications with a central office without technician intervention, which is seen to be between a first destination facility and a second destination facility, see abstract, for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit information to the field service provider between a first destination and a second destination as taught by Durston et al ('848) for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

As per Claim 15.

Wakefield ('561) further discloses the data collector receives data associated with utility devices at the destination facility, see column 5, lines 22-34.

As per Claim 16.

Wakefield ('561) further discloses data type includes account data associated with a service being provided by the field service provider at the destination facility, see figures 6 and 7.

As per Claim 17.

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Wakefield ('561) further discloses the data collector receives data associated with a utility device and the collected data is data type from the group of device data, business data and census data, see column 4, line 11 – column 5, line 39.

As per Claim 18.

Wakefield ('561) further discloses the advisory information is in the form of a script in a format based on the network device through which the field service provider is connected to the advisory module, see figures 6-7.

As per Claim 20

Wakefield ('561) further discloses the script is in visual format, see figures 6-7.

As per Claim 21

Wakefield ('561) further discloses the script is in textual format, see figures 6-7.

As per Claim 22

Wakefield ('561) further discloses:

an intelligence module retrieving the stored data from the database and generating a data conclusion relating to the retrieved data to an advisory rule corresponding to a data type, see column 5, line 58 – column 6, line 39;

a mapping module mapping the data conclusion to advisory information, see column 6, lines 14-39.

As per Claim 23.

Wakefield ('561) further discloses the advisory module transmits the advisory information to a wireless device for presentation to a field service provider, see column 4, line 51 – column 5, line 10 and figure 1.

As per Claim 24.

Wakefield ('561) further discloses a wireless telephone with a wireless connection, see figure 1.

As per Claim 25.

Wakefield ('561) further discloses a wireless device with at wireless connection, see figure 1.

As per Claim 26.

Wakefield ('561) further discloses:

a registration/communication module granting the user access to the network advisory system and providing advisory information to the user, see column 4, line 51 – column 5, line 10.

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6. Claims 5, 7, 37-38, 47, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield, II (5,961,561) in view of Ziegra et al (5,619,183).

As per Claims 5, 7, 47, 49,

Wakefield ('561) does not disclose the advisory is audio.

Ziegra et al ('183) teaches text audio and video links for the operator to review, see column 8, lines 32-45 for the benefit of offering the technician information in multiple formats.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an audio advisory as taught by Ziegra et al ('183) in the invention of Wakefield ('561) for the benefit of offering the technician information in multiple formats.

As per Claims 37, 38.

Wakefield ('561) does not disclose the advisory is audio or audio/visual format.

Ziegra et al ('183) teaches text audio and video links for the operator to review, see column 8, lines 32-45 for the benefit of offering the technician information in multiple formats.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an audio/visual advisory as taught by Ziegra et al ('183) in the invention of Wakefield ('561) for the benefit of offering the technician information in multiple formats.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield, II (5,961,561) in view of Durston et al (4,707,848) further in view of Ziegra et al (5,619,183).

As per Claim 19.

Wakefield ('561) does not disclose the advisory is audio.

Ziegra et al ('183) teaches text audio and video links for the operator to review, see column 8, lines 32-45 for the benefit of offering the technician information in multiple formats.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an audio advisory as taught by Ziegra et al ('183) in the invention of Wakefield ('561) for the benefit of offering the technician information in multiple formats.

8. Claims 12, 13, 54, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakefield, II (5,961,561) in view of Rutkowski et al (5,826,270).

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As per Claim 12, 54.

Wakefield ('561) discloses:

accessing customer specific account record associated with a customer account code input to the computer by the field service provider communicating via the network device, see figure 4;

accessing a specific data type record of a customer, see column 5, line 58 – column 6, line 39;

retrieving the advisory information stored in the specific data type record, see column 5, line 58 – column 6, line 39;

transmitting the advisory information to the field service provider via the network device, see column 5, line 58 – column 6, line 39;

Wakefield ('561) does disclose access based on an identification code associated with the field service provider.

Rutkowski et al ('270) teaches access based on an automatic number indicator, see column 12, lines 18-42 which could be the subscriber telephone number or the identification of the technician's transaction generator device for the benefit of increased customer service by allowing on-the-spot modification of customer account information.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to allow access to customer data based on an identification code associated with the field service provider for the benefit of increased customer service by allowing on-the-spot modification of customer account information.

As per Claim 13, 55.

Wakefield ('561) does disclose specialty areas associated with the field service provider.

Walker et al ('911) teaches assigning technicians based on skills, see column 7, lines 11-59 for the benefit of increased customer service by assigning a qualified technician to the job.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to assign technicians based on skills as taught by Walker et al ('911) for the benefit of increased customer service by assigning a qualified technician to the job.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Thomas A. Dixon
Examiner
Art Unit 3629

August 14, 2003